

Introduced by

Legislative Management

(Health Services Committee)

1 A BILL for an Act to create and enact a new section to chapter 23-35 of the North Dakota
2 Century Code, relating to tribal health districts; to amend and reenact section 23-35-01,
3 subsection 2 of section 23-35-03, subsection 1 of section 23-35-04, and sections 23-35-06,
4 23-35-07, and 23-35-08 of the North Dakota Century Code, relating to health districts; to
5 provide for reports; and to provide an appropriation.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 23-35-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **23-35-01. Definitions.**

10 As used in this chapter, unless the context otherwise requires:

- 11 1. "Board of health" means a district, county, ~~or city,~~ or tribal board of health.
- 12 2. "Department" means the state department of health.
- 13 3. "Governing body" means, as applicable, a city commission, city council, board of
14 county commissioners, ~~or joint board of county commissioners,~~ or tribal council.
- 15 4. "Health district" means an entity formed under section 23-35-04 or 23-35-05.
- 16 5. "Joint board of county commissioners" means the boards of county commissioners of
17 two or more counties acting together in joint session.
- 18 6. "Local health officer" means the health officer of a public health unit.
- 19 7. "Public health department" means a city ~~or,~~ county, or tribal health department formed
20 under this chapter.
- 21 8. "Public health unit" means the local organization formed under this chapter to provide
22 public health services in a city, county, ~~or designated multicounty or city-county area,~~
23 or Indian reservation. The term includes a city public health department, county public
24 health department, and a health district.

1 **SECTION 2.** A new section to chapter 23-35 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Tribal health units.**

4 An Indian nation that occupies a reservation the external boundaries of which border more
5 than four counties may form a health district or public health department as provided in this
6 chapter.

7 **SECTION 3. AMENDMENT.** Subsection 2 of section 23-35-03 of the North Dakota Century
8 Code is amended and reenacted as follows:

9 2. A city's or county's or tribe's governing body may establish a public health unit by
10 creating and appointing a board of health, which in the case of a city, may be
11 composed of the city's governing body or in the case of a tribe, may be composed of
12 the tribal council or governing body. A board of health must have at least five
13 members.

14 a. In the case of a board of health created by a joint board of county
15 commissioners, each county in the health district must have at least one
16 representative on the board; each county of over fifteen thousand population
17 must have an additional representative for each fifteen thousand population or
18 major fraction of that number; and in a health district of fewer than five counties,
19 each county must have at least one representative on the district board of health,
20 and the additional representatives selected to constitute the minimum
21 five-member board must be equitably apportioned among the counties on a
22 population basis.

23 b. In the case of a joint city-county health district composed of only one county and
24 having at least one city over fifteen thousand population, each city having a
25 population over fifteen thousand must have a representative on the district board
26 of health for each fifteen thousand population or major fraction of that number,
27 and the remaining population of the county, exclusive of the populations of cities
28 with more than fifteen thousand each, must have a representative on the district
29 board of health for each fifteen thousand population or major fraction of that
30 number, or at least one member if the remaining population is less than fifteen
31 thousand.

1 **SECTION 4. AMENDMENT.** Subsection 1 of section 23-35-04 of the North Dakota Century
2 Code is amended and reenacted as follows:

- 3 1. Upon the adoption of a resolution, the governing body may form a single county,
4 multicounty, ~~or a city-county,~~ or a tribal health district.

5 **SECTION 5. AMENDMENT.** Section 23-35-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-35-06. Health districts - Dissolution - Withdrawal.**

- 8 1. ~~Except for a tribal health district,~~ if a health district has been in operation for two
9 years, the district may be dissolved as provided for under this section. If a petition is
10 filed with the county auditor of each county of a health district which is signed by
11 qualified electors of that county equal to ten percent or more of the votes cast in that
12 county at the last general election, an election on the question of dissolution must be
13 presented to the qualified electors in each county in the district at the next election
14 held in each county in the district. If a majority of the votes cast on the question in a
15 majority of the counties favor dissolution, the health district is dissolved on the second
16 January first following the election. If a majority of the votes cast on the question in a
17 majority of the counties are against dissolution, no other election on this issue may be
18 held for two years.
- 19 2. If a health district has been in operation for two years, any county may withdraw from
20 the district as provided under this section. If a petition is filed with the withdrawing
21 county's auditor which is signed by qualified electors of the county equal to ten percent
22 or more of the votes cast in that county at the last general election, an election on the
23 question of withdrawal must be presented to the qualified electors in the county at the
24 next election in the county. If a majority of the votes cast on the question favor
25 withdrawing from the district, the county is withdrawn from the district on the second
26 January first following the election. If a majority of the votes cast on the question are
27 against withdrawal, no other election on this issue may be held for two years.
- 28 3. A tribal health district may be dissolved by the tribal council or governing body at any
29 time.

30 **SECTION 6. AMENDMENT.** Section 23-35-07 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **23-35-07. Health district funds.**

2 1. ~~A~~Except for a tribal health district, a district board of health shall prepare a budget for
3 the next fiscal year at the time at which and in the manner in which a county budget is
4 adopted and shall submit this budget to the joint board of county commissioners for
5 approval. The amount budgeted and approved must be prorated in health districts
6 composed of more than one county among the various counties in the health district
7 according to the taxable valuation of the respective counties in the health district. For
8 the purpose of this section, "prorated" means that each member county's contribution
9 must be based on an equalized mill levy throughout the district, except as otherwise
10 permitted under subsection 3 of section 23-35-05. Within ten days after approval by
11 the joint board of county commissioners, the district board of health shall certify the
12 budget to the respective county auditors and the budget must be included in the levies
13 of the counties. The budget may not exceed the amount that can be raised by a levy of
14 five mills on the taxable valuation, subject to public hearing in each county in the
15 health district at least fifteen days before an action taken by the joint board of county
16 commissioners. Action taken by the joint board of county commissioners must be
17 based on the record, including comments received at the public hearing. A levy under
18 this section is not subject to the limitation on the county tax levy for general and
19 special county purposes. The amount derived by a levy under this section must be
20 placed in the health district fund. The health district fund must be deposited with and
21 disbursed by the treasurer of the district board of health. Each county in a health
22 district quarterly shall remit and make settlements with the treasurer. Any funds
23 remaining in the fund at the end of any fiscal year may be carried over to the next
24 fiscal year.

25 2. ~~The~~Except for a tribal health district, the district board of health, or the president and
26 secretary of the board when authorized or delegated by the board, shall audit all
27 claims against the health district fund. The treasurer shall pay all claims from the
28 health district fund. The district board of health shall approve or ratify all claims at the
29 board's quarterly meetings.

30 **SECTION 7. AMENDMENT.** Section 23-35-08 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **23-35-08. Boards of health - Powers and duties.**

2 Except when in conflict with a local ordinance or a civil service rule within a board of
3 health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

- 4 1. Shall keep records and make reports required by the department.
- 5 2. Shall prepare and submit a public health unit budget.
- 6 3. Shall audit, allow, and certify for payment expenses incurred by a board of health in
7 carrying into effect this chapter.
- 8 4. May accept and receive any contribution offered to aid in the work of the board of
9 health or public health unit.
- 10 5. May make rules regarding any nuisance, source of filth, and any cause of sickness
11 which are necessary for public health and safety.
- 12 6. May establish by rule a schedule of reasonable fees that may be charged for services
13 rendered. Services may not be withheld due to an inability to pay any fees established
14 under this subsection.
- 15 7. May make rules in a health district or county public health department, as the case
16 may be, and in the case of a city public health department may recommend to the
17 city's governing body ordinances for the protection of public health and safety.
- 18 8. May adopt confinement, decontamination, and sanitary measures in compliance with
19 chapter 23-07.6 which are necessary when an infectious or contagious disease exists.
- 20 9. May make and enforce an order in a local matter if an emergency exists.
- 21 10. May inquire into any nuisance, source of filth, or cause of sickness.
- 22 11. Except in the case of an emergency, may conduct a search or seize material located
23 on private property to ascertain the condition of the property as the condition relates to
24 public health and safety as authorized by an administrative search warrant issued
25 under chapter 29-29.1.
- 26 12. May abate or remove any nuisance, source of filth, or cause of sickness when
27 necessary to protect the public health and safety.
- 28 13. May supervise any matter relating to preservation of life and health of individuals,
29 including the supervision of any water supply and sewage system.
- 30 14. May isolate, kill, or remove any animal affected with a contagious or infectious disease
31 if the animal poses a material risk to human health and safety.

- 1 15. Shall appoint a local health officer.
- 2 16. May employ any person necessary to effectuate board rules and this chapter.
- 3 17. If a public health unit is served by a part-time local health officer, the board of health
- 4 may appoint an executive director. An executive director is subject to removal for
- 5 cause by the board of health. The board of health may assign to the executive director
- 6 the duties of the local health officer, and the executive director shall perform these
- 7 duties under the direction of the local health officer.
- 8 18. May contract with any person to provide the services necessary to carry out the
- 9 purposes of the board of health.
- 10 19. Shall designate the location of a local health officer's office and shall furnish the office
- 11 with necessary equipment.
- 12 20. May provide for personnel the board of health considers necessary.
- 13 21. Shall set the salary of the local health officer, the executive director, and any assistant
- 14 local health officer and shall set the compensation of any other public health unit
- 15 personnel.
- 16 22. Shall pay for necessary travel of the local health officer, the local health officer's
- 17 assistants, and other personnel in the manner and to the extent determined by the
- 18 board.

19 **SECTION 8. STATE DEPARTMENT OF HEALTH REPORTS TO LEGISLATIVE**

20 **MANAGEMENT - TRIBAL PUBLIC HEALTH UNIT PILOT PROJECT.** During the 2013-14
21 interim, the state department of health shall report semiannually to the legislative management
22 on the status of the tribal public health unit pilot project, including services provided, resources
23 available, expenditures, and the future sustainability of the pilot project.

24 **SECTION 9. APPROPRIATION.** There is appropriated out of any moneys in the general
25 fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the
26 sum as may be necessary, and from special funds derived from federal funds or other sources,
27 the sum of \$300,000, or so much of the sum as may be necessary, to the state department of
28 health for the purpose of implementing a tribal public health unit pilot project, for the biennium
29 beginning July 1, 2013, and ending June 30, 2015. The state department of health may spend
30 moneys from the general fund only to the extent that matching funds from federal or other

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- 1 sources, including from the tribe involved in the pilot project, are provided for the operation of
- 2 the tribal public health unit pilot project on at least a dollar-for-dollar basis.